

### **Rule 3. Admission of Attorneys**

#### **Section 1. Admission of Attorneys.**

The Supreme Court shall have exclusive jurisdiction to admit attorneys to practice in Indiana. Admission to practice law by the Court pursuant to Rule 21 shall entitle attorneys to practice in any of the courts of this state.

#### **Section 2. Temporary Admission on Petition.**

*(a) Requirements for Temporary Admission on Petition.* Any court or administrative agency of the State of Indiana~~The Supreme Court, the Court of Appeals, the Tax Court, or a trial court,~~ in the exercise of discretion, may permit a member of the bar of another state or territory of the United States, or the District of Columbia, not admitted pursuant to Rule 21, to appear in ~~any a~~ particular case or proceeding, only if the court or the administrative agency before which the attorney wishes to appear determines that there is good cause for such appearance and that each of the following conditions is met:

- (1) A member of the bar of this state has appeared and agreed to act as co-counsel.

1           (2) The attorney is not a resident of the state of Indiana, regularly employed  
2           in the state of Indiana, or regularly engaged in business or professional  
3           activities in the state of Indiana.

4           (3) The attorney has made payment to the Clerk of the Supreme Court an  
5           annual registration fee in the amount set forth in Admission and  
6           Discipline Rule 2(b), accompanied by a copy of the Verified Petition for  
7           Temporary Admission that the attorney intends to file pursuant to  
8           subdivision (4) below. Upon receipt of the registration fee and petition,  
9           the Clerk of the Supreme Court will issue a temporary admission  
10          attorney number and payment receipt to the attorney seeking admission.  
11          If the attorney's verified petition for temporary admission is thereafter  
12          denied, the attorney shall provide a copy of the order denying temporary  
13          admission to the Clerk of the Supreme Court, and the Clerk shall issue a  
14          refund of the registration fee.

15          (4) The attorney files a verified petition, co-signed by co-counsel designated  
16          pursuant to subdivision (a)(1), setting forth:

17           (i) The attorney's residential address, office address, office telephone  
18           number, electronic mail address, and the name and address of the  
19           attorney's law firm or employer, if applicable;

1 (ii) All states or territories in which the attorney has ever been licensed  
2 to practice law, including the dates of admission to practice and any  
3 attorney registration numbers;

4 (iii) That the attorney is currently a member in good standing in all  
5 jurisdictions listed in (ii);

6 (iv) That the attorney has never been suspended, disbarred or resigned as  
7 a result of a disciplinary charge, investigation, or proceeding from  
8 the practice of law in any jurisdiction; or, if the attorney has been  
9 suspended, disbarred or resigned from the practice of law, the  
10 petition shall specify the jurisdiction, the charges, the address of the  
11 court and disciplinary authority which imposed the sanction, and the  
12 reasons why the court should grant temporary admission not  
13 withstanding prior acts of misconduct;

14 (v) That no disciplinary proceeding is presently pending against the  
15 attorney in any jurisdiction; or, if any proceeding is pending, the  
16 petition shall specify the jurisdiction, the charges and the address of  
17 the disciplinary authority investigating the charges. An attorney  
18 admitted under this rule shall have a continuing obligation during  
19 the period of such admission promptly to advise the court of a

1 disposition made of pending charges or the institution of new  
2 disciplinary proceedings;

3 (vi) A list of all cases or proceedings, including caption and cause case  
4 number, in which either the attorney, or any member of a firm with  
5 which the attorney is currently affiliated, has appeared in any of the  
6 courts or administrative agencies of this state during the last five  
7 years by temporary admission.

8 (vii) Absent good cause, repeated appearances by any person or by  
9 members of a single law firm pursuant to this rule shall be cause for  
10 denial of the petition. A demonstration that good cause exists for the  
11 appearance shall include at least one of the following:

12 (a) the cause in which the attorney seeks admission involves a  
13 complex field of law in which the attorney has special expertise,

14 (b) there has been an attorney-client relationship with the client for  
15 an extended period of time,

16 (c) there is a lack of local counsel with adequate expertise in the  
17 field involved,

18 (d) the cause presents questions of law involving the law of the  
19 foreign jurisdiction in which the applicant is licensed, or

1 (e) such other reason similar to those set forth in this subsection as  
2 would present good cause for the temporary admission.

3 (viii) A statement that the attorney has read and will be bound by the  
4 Rules of Professional Conduct adopted by the Supreme Court, and  
5 that the attorney consents to the jurisdiction of the State of Indiana,  
6 the Indiana Supreme Court, and the Indiana Supreme Court  
7 Disciplinary Commission to resolve any disciplinary matter that  
8 might arise as a result of the representation.

9 (ix) A statement that the attorney has paid the registration fee to the  
10 Clerk of the Supreme Court in compliance with subdivision (a)(3)  
11 of this rule, together with a copy of the payment receipt and  
12 temporary admission attorney number issued by the Clerk of the  
13 Supreme Court pursuant to subdivision (3).

14 *(b) Notice of Temporary Admission.* All attorneys granted temporary admission  
15 under the provisions of subsection 2(a) shall file a Notice with the Clerk of  
16 the Supreme Court within thirty (30) days after a court or administrative  
17 agency grants permission to appear in the case or proceeding. A separate  
18 Notice of Temporary Admission must be filed with the Clerk of the Supreme  
19 Court for each case or proceeding in which a court or administrative agency  
20 grants permission to appear. Failure to file the notice within the time

1 specified shall result in automatic exclusion from practice within this state.

2 The notice shall include the following:

3 (1) A current statement of good standing issued to the attorney by the highest  
4 court in each jurisdiction in which the attorney is admitted to practice  
5 law; and

6 (2) A copy of the verified petition requesting permission to appear ~~in the~~  
7 ~~court proceedings~~, along with the ~~court~~ order granting permission.

8 (c) *Renewal of Registration for Temporary Admission.* If an attorney continues  
9 to appear on the basis of a temporary admission in any case or proceeding  
10 pending as of the first day of a new calendar year, the attorney shall pay a  
11 renewal fee equal to the annual registration fee set out in Admission and  
12 Discipline Rule 2(b). This renewal fee shall be due within thirty (30) days of  
13 the start of that calendar year and shall be tendered to the Clerk of the  
14 Supreme Court, accompanied by a copy of the Notice of Temporary  
15 Admission for each continuing case or proceeding in which a court ~~or~~  
16 ~~administrative agency~~ has granted permission to appear. Failure to pay the  
17 required renewal fee within the time specified shall result in automatic  
18 exclusion from practice within this state. The Clerk of the Indiana Supreme  
19 Court shall notify the trial court or administrative agency of the attorney's  
20 exclusion. If the proceeding has concluded or if the attorney has withdrawn

1 his or her appearance, the attorney must so notify the Clerk of the Supreme  
2 Court by the deadline for renewal of registration.

3 *(d) Responsibilities of Attorneys.* Members of the bar of this state serving as co-  
4 counsel under this rule shall sign all briefs, papers and pleadings in the cause  
5 and shall be jointly responsible therefore. The signature of co-counsel  
6 constitutes a certificate that, to the best of co-counsel's knowledge,  
7 information and belief, there is good ground to support the signed document  
8 and that it is not interposed for delay or any other improper reason. Unless  
9 ordered by the trial court, local counsel need not be personally present at  
10 proceeding before the court.

11 *(e) Failure to Register, Renew, or Otherwise Perform as Required.* Any foreign  
12 attorney who fails to register or pay the registration fee as required under  
13 subsection (a), fails to file a Notice of Temporary Admission under  
14 subsection (b), or fails to pay a renewal registration fee required under  
15 subsection (c) shall be subject to discipline in this state. Members of the bar  
16 of this state serving as co-counsel under this rule shall be subject to  
17 discipline if the attorney admitted under this rule fails to pay the required  
18 fees or otherwise fails to satisfy the requirements of this rule.

19 *(f) Scope and Effect of Automatic Exclusion from Practice Within the State.*

1 (1) When an attorney is automatically excluded from practice within the state  
2 under Section 2(b) or (c), any further action taken by that attorney in any  
3 case [or proceeding](#) in the state shall constitute the unauthorized practice  
4 of law.

5 (2) An attorney may seek relief from the automatic exclusion from practice  
6 within the state by filing a “Petition for Relief from Automatic  
7 Exclusion” with the Supreme Court. The petition shall be captioned: “In  
8 re Temporary Admission of [Attorney's name].” The petition shall  
9 describe the circumstances causing the exclusion, shall list all pending  
10 cases [or proceedings](#), including court [or administrative agency](#) and case  
11 number, in which the attorney had been granted temporary admission  
12 prior to the automatic exclusion, and shall be accompanied by a “Notice  
13 of Temporary Admission” if the exclusion is under Section 2(b) or a  
14 renewal admission fee, together with a delinquent fee in the amount of  
15 one hundred and thirty dollars (\$130.00), if the exclusion is under  
16 Section 2(c).

17 (3) If the Supreme Court grants the petition, the exclusion from practice shall  
18 be lifted and the Clerk of the Supreme Court shall notify all courts [and](#)  
19 [administrative agencies](#) in which the attorney had been granted  
20 temporary admission to practice in cases [or proceedings](#) pending at the

1 time of the automatic exclusion. Unless the Supreme Court directs  
2 otherwise, all actions taken by the attorney during the period of automatic  
3 exclusion from practice shall be deemed valid to the extent the actions  
4 would have been valid if the attorney had not been subject to automatic  
5 exclusion. However, the attorney remains subject to a charge of the  
6 unauthorized practice of law for actions taken during the automatic  
7 exclusion.

8 The amendments apply only to requests for Temporary Admission on Petition  
9 filed on or after January 1, 2007.

10 If an attorney files the notice with the Clerk of the Supreme Court and pays the  
11 fee required by subpart (b) of the Rule in one case or proceeding in any given  
12 calendar year, the attorney need not pay another fee for any other case in which the  
13 attorney seeks Temporary Admission on Petition during that same calendar year.

14 If an attorney files the notice with the Clerk of the Supreme Court and pays the  
15 fee required by subparts (a) and (b) of the Rule in a particular calendar year, and a  
16 new calendar year begins and the attorney is still appearing in any case or  
17 proceeding pursuant to a Temporary Admission on Petition, the attorney must file  
18 a new notice and pay a fee within 30 days of the start of the new calendar year.

1        If more than one (1) attorney from one firm is appearing pursuant to a  
2        Temporary Admission on Petition in a particular case [or proceeding](#) on behalf of  
3        the same client, each attorney appearing nevertheless has an individual obligation  
4        to comply with the Rule as amended.  
5        ...